

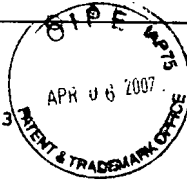
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Chiu, et al.

Serial No.: 07/525,943

Filed: May 17, 1990

For: BULKING AGENTS AND PROCESSES  
FOR PREPARING THEM FROM FOOD  
GUMS

Group Art Unit: 132

Examiner: J. Golian

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

This is in response to a restriction requirement, dated November 19, 1990, in the above-captioned patent application.

The Examiner's Restriction Requirement:

The Examiner has required restriction to one of the following groups:

- I. Claims 1-11 and 19-26; and
- II. Claims 12-18.

Applicants traverse the restriction requirement with respect to claims in Groups I and II, which are drawn to bulking agents used in foods and a process for making the bulking agents. Applicants also traverse the requirement for election of a species within the elected Group.

Applicants' Election:

Applicants hereby elect the claims in Group I, Claims 1-11 and 19-26, drawn to bulking agents or their combinations, for examination. Applicants also elect the species described in Claim 8, the depolymerized polysaccharides derivatived from tamarind seed gum, for examination if no generic claims is finally held to be allowable. Claims 1-8, 11, and 19-26 read on this species.

Applicants' Remarks

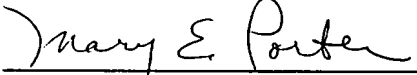
Applicants note that they will be entitled to consideration of claims to additional species of bulking agents upon allowance of the generic claims in Group I.

With respect to Applicants' traversal of the restriction of Group I and II claims into separate groups, Applicants agree that these two groups represent patentably distinct inventions. However, Applicants note that substantially

identical search results may be expected from the search of depolymerized heteropolysaccharide bulking agent claims and the search of claims to processes for enzymatic depolymerization of heteropolysaccharides. Thus, the Examiner's restriction meets the first of two criteria of MPEP Section 803: the inventions are independent, but does not meet the second of the two criteria: that there must be a serious burden on the Examiner absent restriction. Therefore, valuable resources of the Patent Office and of Applicants would be preserved by treating Groups I and II as a single group (Claims 1-26).

For these reasons, Applicants respectfully request that the Examiner's restriction requirement be withdrawn.

Respectfully submitted,

  
Mary E. Porter, Reg. No. 33,440  
Patent Attorney  
Tel. No. 201-685-5127

National Starch and Chemical Company  
P.O. Box 6500  
Bridgewater, New Jersey 08807  
December 3, 1990

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D. C. 20231, ON <u>December 3, 1990</u> BY <u>Mary E. Porter</u>
---